

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN C. LOGSDON,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, AND a
corporation; and ANDREW CALLAHAN,
an individual;

Defendants.

8:15CV232

ORDER

The undersigned magistrate judge has reviewed the railroad's privilege log and attached documents, filed under seal as Filing No. 94. The court asked defense counsel to forward these documents to chambers for review *in camera*, with the hope that any privilege—or lack thereof—would be readily apparent, thus obviating the need for supporting affidavits explaining why the documents were generated or created. While most of the documents are self-explanatory, some are not—at least not without a full command of the underlying facts of the case.¹ And under such circumstances, Defendants must be allowed to supplement the record so the court can fully and fairly evaluate their privilege and work product claims.

IT IS ORDERED that Defendants are given until July 19, 2016 to file affidavits (and any briefing they wish to file) in support of their claims of privilege as to the documents listed in the privilege log, with Plaintiff given until August 2, 2016 to file any response.

July 8, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹ To be clear, the court is not stating the privilege log deficient. As between counsel for the parties, who have a working knowledge of this case, it provides a sufficient basis for knowing whether to challenge Defendants' privilege claims and demand production. But for the court, further explanation is needed to complete the record and avoid the risk of rulings based on erroneous assumptions.